

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

ORIGINAL

In the Matter of
MULTIMEDIA CABLEVISION, INC.

Complainant,

v.

SOUTHWESTERN BELL
TELEPHONE COMPANY

Respondent.

RECEIVED

OCT 23 1996

Federal Communications Commission
Office of Secretary

P.A. No. 95-008
CS Docket No. 96-181

DOCKET FILE COPY ORIGINAL

To: The Honorable Arthur I. Steinberg, Administrative Law Judge

JOINT MOTION FOR EXTENSION OF TIME

Multimedia Cablevision, Inc., Complainant herein, and Southwestern Bell Telephone Company ("SWBT"), Respondent herein, jointly move to extend the filing and conference deadlines in this proceeding for a period of 30 days. Good cause exists for this Motion, which is in the public interest, and in support hereof Complainant and Respondent jointly state:

1. Since issuance of the Hearing Designation Order ("HDO") on September 3, 1996 by the Cable Services Bureau ("Bureau"), Complainant and Respondent have been engaged in ongoing efforts to "settle the case [and] narrow their differences." HDO ¶ 39.

2. The parties, at this time, believe that they have reached an agreement to settle this action and soon expect to file a motion for acceptance of settlement agreement and to

DF

terminate the proceeding.

3. The parties, however, still are reconciling certain company records with respect to Multimedia's Wichita conduit occupancy (in order to calculate a liquidated settlement amount), which reconciliation, while approximately 90% complete, is not expected to be completed until after the expiration of certain filing deadlines in this proceeding.

4. On September 12, 1996 the Chief Administrative Law Judge assigned this matter to the Presiding Officer and established a schedule for the case. Upcoming deadlines include the filing of a comprehensive Joint Report on October 28, 1996; the filing of individual 10-page briefs on November 8, 1996; and a pre-hearing conference on November 19, 1996 at 9:00 am.

5. On October 3, 1996, Respondents filed with the Presiding Officer a Motion for Acceptance of Appearance. Respondent opposed that Motion on October 15, 1996. The parties believe that any reply of Complainant would be due October 25, 1996.

6. On October 3, 1996, Complainants filed a Petition for Clarification with the Bureau. Respondent opposed that Petition on October 15, 1996. The parties believe that any reply of Complainant would be due October 25, 1996. Complainant, with Respondent's consent, has moved for an extension of time in which to submit any reply to Respondent's opposition to Complainant's Petition for Clarification.¹

7. The parties have contacted the Bureau's trial counsel who has consented to this Motion to extend case deadlines pending before the Presiding Officer.

8. Grant of the requested extension will serve the public interest because it

¹A copy of Complainant's consent motion is appended as Attachment A.

will allow the parties to focus exclusively on settlement and save expenses associated with potentially unnecessary filings.

WHEREFORE, Complainant and Respondent for the reasons set forth above, jointly move the Presiding Officer to extend all current deadlines in this case by a period of 30 days.²

Respectfully submitted,

MULTIMEDIA CABLEVISION, INC

By 

Paul Glist

John Davidson Thomas

COLE, RAYWID & BRAVERMAN, L.L.P.

Second Floor

1919 Pennsylvania Avenue, N.W.

Washington, D.C. 20006-3458

(202) 659-9750

Its Attorneys

SOUTHWESTERN BELL TELEPHONE COMPANY

By 

Robert M. Lynch

Durward D. Dupre

Mary W. Marks

Jonathan W. Royston

Its Attorneys

One Bell Center

St. Louis, Missouri 63101

(314) 235-2507

Its Attorneys

October 23, 1996

²A sample order is appended as Attachment B.

ATTACHMENT A

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

MULTIMEDIA CABLEVISION, INC.

Complainant,

v.

SOUTHWESTERN BELL
TELEPHONE COMPANY

Respondent.

P.A. No. 95-008
CS Docket No. 96-181

To: The Commission

CONSENT MOTION FOR EXTENSION OF TIME

Multimedia Cablevision, Inc., Complainant herein, moves for an extension of time in which to submit any reply to the October 15, 1996 Opposition of Respondent Southwestern Bell Telephone Company to Multimedia's Petition for Clarification submitted October 3, 1996. Good cause exists for this Motion, which is in the public interest, and in support hereof Complainant states:

1. Since issuance of the Hearing Designation Order ("HDO") on September 3, 1996 by the Cable Services Bureau ("Bureau"), Complainant and Respondent have been engaged in ongoing efforts to "settle the case [and] narrow their differences." HDO ¶ 39.
2. The parties, at this time, believe that they have reached an agreement to settle this action and soon expect to file a motion for acceptance of settlement agreement and to

terminate the proceeding.

3. The parties, however, still are reconciling certain company records with respect to Multimedia's Wichita conduit occupancy (in order to calculate a liquidated settlement amount), which reconciliation, while approximately 90% complete, is not expected to be completed until after the expiration of certain filing deadlines in this proceeding.

4. On October 3, 1996, Complainants filed a Petition for Clarification. Respondent opposed that Petition on October 15, 1996. The parties believe that any reply of Complainant would be due October 25, 1996.

5. Grant of the requested extension will serve the public interest because it will allow the parties to focus exclusively on settlement and save expenses associated with potentially unnecessary filings.

6. Respondent has consented to this motion.

WHEREFORE, Complainant for the reasons set forth above, moves the Commission for an extension of time as set forth herein.

Respectfully submitted,

MULTIMEDIA CABLEVISION, INC.

By 

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(202) 659-9750

October 23, 1996

CERTIFICATE OF SERVICE

I, Elizabeth Johnson, hereby certify that on this 23rd day of October 1996, copies of the foregoing were hand-delivered or mailed, first class, postage prepaid, to the following:

*Administrative Law Judge
Federal Communications Commission
2000 L Street, NW - Room 228
Washington, DC 20554

*Marjorie Reed Greene
Federal Communications Commission
2033 M Street, NW - Room 918-C
Washington, DC 20554

Jonathan W. Royston, Esq.
Southwestern Bell Telephone Company
Room 3526
One Bell Center
St. Louis, Missouri 63101

A handwritten signature in cursive script that reads "Elizabeth A. Johnson". The signature is written in dark ink and is positioned above a horizontal line.

Elizabeth A. Johnson

* Via Hand Delivery

ATTACHMENT B

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

MULTIMEDIA CABLEVISION, INC.

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SOUTHWESTERN BELL
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ORDER

1. This matter arises from Complainant's and Respondent's (collectively "Parties") Joint Motion to Extend Case Deadlines ("Joint Motion") submitted October 23, 1996.

2. The Presiding Officer has reviewed the Parties' Joint Motion and finds that grant of the Joint Motion is in the public interest.

WHEREFORE, in consideration of these facts and findings, it is hereby **ORDERED** this ____ day of _____ that all deadlines in this action are hereby **EXTENDED** for a period of 30 days; and it is further

ORDERED that copies of this Order shall be transmitted to the parties appearing on the attached list.

Arthur I. Steinberg, Administrative Law Judge

Parties:

Marjorie Reed Greene
Cable Services Bureau
Federal Communications Commission
2033 M Street, Rm. 918-C
Washington, D.C. 20554

MULTIMEDIA CABLEVISION, INC.

Paul Glist
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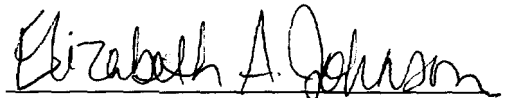
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I, Elizabeth Johnson, hereby certify that on this 23rd day of October 1996, copies of the foregoing were hand-delivered or mailed, first class, postage prepaid, to the following:

*Hon. Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW - Room 228
Washington, DC 20554

*Marjorie Reed Greene
Federal Communications Commission
2033 M Street, NW - Room 918-C
Washington, DC 20554

* Elizabeth Beaty
Federal Communications Commission
2033 M Street, NW - Room 904-A
Washington, DC 20554


Elizabeth A. Johnson